

are *Escherichia coli*. Support for this amendment is found throughout the specification for example at page 3, lines 33-35, page 4, lines 2 and 3, the detailed description and the examples and page 18, lines 13-20. In view thereof, the rejection of claims 49-52 and 55-57 is believed to be unwarranted and withdrawal thereof is respectfully requested. Furthermore, Applicants disclosure, in view of the state of the art, enables the use of host cells other than *Escherichia coli*. Specifically, at page 8, lines 31-35 of the specification, the use of eukaryotic hosts which can be grown on a large scale is clearly disclosed and contemplated. Accordingly, Applicants have submitted new claims 60-62 herewith which define the host cell as a eukaryotic cell for the expression plasmid and the method for producing fibroblast β_1 interferon. These claims do not require additional search of the art as they are limiting over the prior claims of comparable scope. Accordingly, Applicants submit that new claims 60, 61 and 62 comply with the requirements of 35 USC § 112 and are in allowable condition.

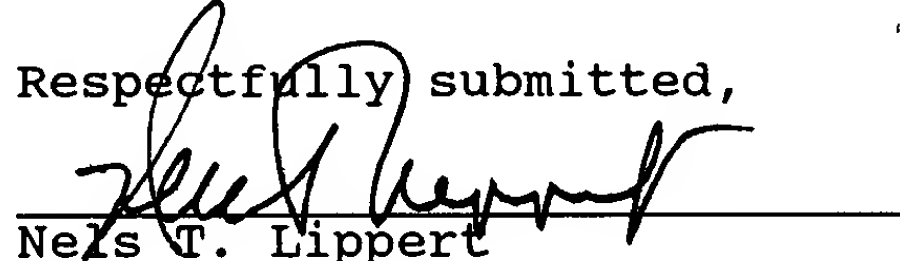
Finally, the specification has been objected to under 35 USC § 112 and claims 10, 15, 36, 37, 42, 43 and 48 are rejected under the same provisions for failure to provide an enabling disclosure. In response thereto,

Applicants are submitting herewith a Declaration assuring availability of the deposited strain. Accordingly, this objection and rejection should now be withdrawn.

Claims 10-15, 30-52, 55, 56, 57, 60, 61 and 62 are in prosecution. Claims 11-14, 30-35, 38-40 and 44-47 have been indicated as allowed.

In view of the above amendments, remarks and the assurance submitted herewith, Applicants submit that all of the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited. In an effort to advance prosecution and allowance of this application, if the Examiner has any questions or requires further amendment, he is respectfully requested to telephone Applicants undersigned counsel at area code (212) 819-8582.

Respectfully submitted,



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